

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARL BLESSING on behalf of Himself and
All Others Similarly Situated,

Plaintiff,

V.

SIRIUS XM RADIO INC.,

Defendant.

No. 1:09-cv-10035-HB
ECF CASE

ORAL ARGUMENT REQUESTED

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant, Sirius XM Radio Inc., hereby moves for summary judgment on plaintiffs' claims pursuant to Fed. R. Civ. P. 56(b) & (c)(2). The grounds for defendant's motion are set forth in Defendant's Memorandum of Law in Support of Defendant's Motion for Summary Judgment and the Statement of Undisputed Material Facts submitted pursuant to Local Civil Rule 56.1(a).

Dated: January 18, 2011

Respectfully submitted,

/s/ Thomas Demitrack

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